

# SUPREME COURT REVIEW



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# New York State Rifle & Pistol Assn. v. City of New York, 140 S.Ct. 1525 (April 27<sup>th</sup>)



- **Holding:** None – case is deemed moot.
- **History:** City of New York passes unusual ordinance barring transportation of guns outside the City by lawful owners. Gun owners organization sues under Second Amendment. Lower courts uphold law,, but fearing defeat at High Court, city repeals measure.
- **Issue:** Does the repeal of challenged measure render case moot?
- **Ruling:** Yes, *per curiam* decision authored by Chief John Roberts. “We do not here decide [the] disputes”; but remand for more pleadings and to “develop the record” on possible damages.
- **Dissenters:** Justice Alito would have ruled law constitutional on merits, joined by Justices Gorsuch and Thomas; chastises Court for being “manipulated” by the City. Justice Kavanaugh joins dissenters on merits, but agrees that case is moot.
- **Signatories:** Strategic report on gun safety/2<sup>nd</sup> Amendment statutes and litigation at national and state levels.

# SEILA Law LLC v. Consumer Protection Bureau 140 S.Ct. 2183 (June 29<sup>th</sup>)



Holding: The President has unilateral authority to fire Director of the Elizabeth Warren-inspired Federal Consumer Protection Bureau (CFPB) without cause?

History: Watchdog agency investigates California debt-collection law firm, which challenges constitutionality of agency's structure of Director terminated only for "cause" as violation of Separation of Powers Doctrine. Federal trial court and Ninth Circuit disagree and order compliance.



## SEILA Law cont.

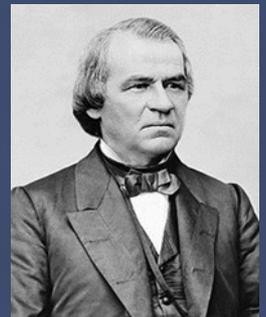
Issue: Does law limiting President's right to fire administrator violate Separation of Powers?

Ruling: Yes, 5-4 Conservative – liberal split, reversing lower courts. Chief Justice Roberts authors majority opinion, holding that creating single individual agency removal only for “inefficiency, neglect, or malfeasance” violates Separation of Powers by limiting power of President.

Dissenting: Dissenters support Congressional authority “to experiment with administrative forms.”

Significance High Court: Expansive Presidential authority to fire administrative personnel without cause.

Reminiscent of the Tenure of Office Act, post Civil War, precipitating Andrew Johnson impeachment proceedings.



# Bostock v. Clayton County, et al. 140 S.Ct. 731 (June 15<sup>th</sup>)



Holding: Does prohibition of discrimination in 1964 Civil Rights Act extend to LGBTQ individuals?

History: Three consolidated cases from split Federal Circuits reach Supreme Court, two fired gay workers, one transgender employee: county child welfare worker, mortician, and parachute-diving instructor.

Issue: Does “sex” provision of Title VII of Civil Rights Act extend to sexual orientation or gender identity?

## Bostick cont.

Holding: Yes, 6-3 with Justice Gorsuch authoring opinion, and joined by Chief Justice Roberts and four liberals, based on “textual” meaning of the word “sex” because “it is impossible to discriminate against a [LGBTQ] person ... without discriminating ... based on sex.”

Dissenting: Dissenters complain that Congress never intended such an interpretation when constructing law in 1964.

Significance: Major stride for LGBTQ community; issues remain on other matters, *e.g.* housing, health care, adoption, athletics, etc.

# Our Lady of Guadalupe School v. Morrissey-Berru

## 140 S.Ct. 2049 (July 8<sup>th</sup>)



**Holding:** Employment discrimination laws do not cover teachers at religious schools.

**History:** Two terminated elementary teachers at Catholic Schools in Los Angeles sue for age and disability discrimination. Lower Federal courts rule for schools, but Ninth Circuit reverses.

**Issue:** Does First Amendment Freedom of Religion trump anti-discrimination laws for teachers in religious schools?

**Ruling:** Yes, 7-2 opinion, written by Justice Alito, including “liberals” Justices Elena Kagan and Stephen Breyer, extends “ministerial exception” under *Hosanna-Tabor v. EEOC*, 565 U.S. 171 (2012) because a Court should not “intervene in [such] employment disputes” if teaching involves any religious features.

# Our Lady of Guadalupe cont.

Dissenting: But these “teachers taught primarily secular subjects.”

Significance: Religious instructions granted extensive rights under ever-expanding Free Exercise Clause.

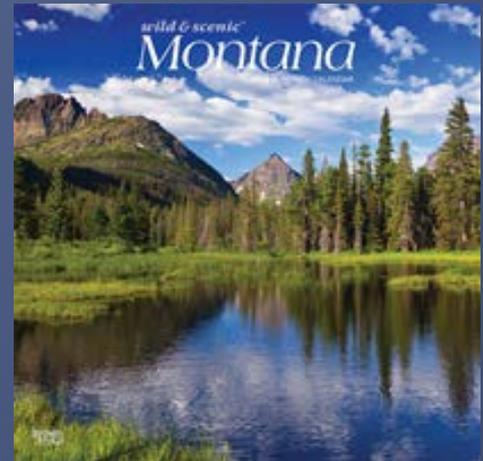


# Espinoza v. Montana Dept. Of Revenue

140 S.Ct. 2246 (June 30<sup>th</sup>)

Holding: Public Funds may be used for tuition scholarships for private and religious school students.

History: Montana tuition program for publicly-funded scholarships for students, but excluding religious students due to provisions in state constitution barring government aid to religion. Three mothers of parochial school students sue. State trial court rules in their favor, but state supreme court reverses.



## Espinoza v. Montana cont.

Issue: Does the First Amendment bar (or require) public tuition funding for parochial school students?

Ruling: Yes, Chief Justice Roberts writes decision for 5-4 majority in conservative-liberal split, reversing state supreme court because Free Exercise clause of First Amendment proscribes “unequal treatment or impose “special disabilities” on the basis of religious status.”

Dissenting: Three dissenting opinions view ruling as impermissibly elevating Free Expression over Establishment Clause.

Significance: Harkens back to Minnesota parochial tax credit and case, *Mueller v. Allen*, 463 U.S. 388 (1983); showing strong preference of Roberts Court for Free Exercise claims.